

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INEZ GILCHRIST,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE
COMPANY,

Defendants.

Civil Action No.: 04 10638 RGS

**JOINT MOTION TO FURTHER EXTEND STAY OF PROCEEDINGS PENDING
DETERMINATION OF LONG-TERM DISABILITY BENEFITS**

The parties in the above referenced matter hereby move the Court for a brief extension on the stay of these proceedings pending Defendant's further review and determination of Plaintiff's claim for long-term disability benefits. In support of this motion, the parties state the following:

1. The parties previously agreed that Defendant Liberty Life Assurance Company of Boston¹ would conduct a further review of Plaintiff's claim for short-term disability benefits beyond the date for which she previously received benefits. If short-term disability benefits were found payable to Plaintiff for the entire period covering her short-term disability, Defendant would then review Plaintiff's claim for long-term disability benefits pursuant to the policy.

2. The parties previously agreed and requested that if short-term disability benefits were found to be payable in their entirety, Defendant would have ninety (90) days from

¹ Incorrectly named as Liberty Mutual Insurance Company.

the final determination of her claim for short-term disability benefits to conduct a review of Plaintiff's claim for long-term disability benefits.

3. The parties also agreed that should Defendant require additional time to make its determination, it would consult with Plaintiff and make requests to the Court for the Court's approval, as appropriate. Further, the parties agreed that the above time periods for the determination on Plaintiff's claim for short-term and long-term disability benefits did not include time periods for appeals for these determinations that may be made by Plaintiff.

4. On July 12, 2004, Defendant notified Plaintiff that it found that short-term disability benefits were payable to Plaintiff for the entire period covering her short-term disability. As a result, Defendant was required to render a final decision on Plaintiff's claim for long-term disability benefits by October 12, 2004.

5. Following the decision on Plaintiff's claim for short-term disability benefits, Defendant requested that Plaintiff's physicians provide updated medical records for its review of her claim for long-term disability benefits and that one of her physicians complete an "Attending Physicians Statement." Defendant requested that Plaintiff assist in getting these medical records and also requested that Plaintiff participate in a telephone interview with a representative from Defendant regarding her physical condition. Defendant, however, did not receive those records from Plaintiff's physicians for several weeks and was unable to conduct the telephone interview for several weeks.

6. Due to these delays, on October 6, 2004, the parties jointly requested an extension on the motion to stay until February 14, 2005. That request was granted by the Court. However, due to the previous delays and additional delays in receiving medical releases from Plaintiff and medical records from the treating physicians, Defendant has not been able to

complete its review. Defendant, therefore, needs a brief extension on the time to render its decision.

7. As a result, the parties jointly agree and request that Defendant be allowed a brief extension of 16 days or, up to and including March 2, 2005, to render a decision on whether long-term disability benefits are payable to Plaintiff. This time period does not include appeals from the determination that may be made by Plaintiff, or review of such appeals.

WHEREFORE, the parties respectfully request that this Court grant their request to further stay the case and permit Defendant a brief 16 day extension, up to and including March 2, 2005, for Defendant to render a determination on Plaintiff's claim for long-term disability benefits, which may obviate the need for further proceedings in this matter.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON
By its attorneys,

/s/ Richard W. Paterniti

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Dated: February 11, 2005

Inez Gilchrist,
By her attorney,

/s/ John J. LaRivee (RWP)

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Dated: February 11, 2005